

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**JAMES DEWAYNE HALE, JR.,**

**Plaintiff,**

**v.**

**WARDEN RIOS et al.,**

**Defendants.**

**Case No. CIV-14-374-HE**

**REPORT AND RECOMMENDATION**

Plaintiff James Dewayne Hale Jr., a state prisoner appearing pro se, brings this action under 42 U.S.C. § 1983. This matter has been referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636. The matter is now before the Court on Plaintiff's failure to pay an initial partial filing fee.

On May 14, 2014, Mr. Hale was granted leave to proceed *in forma pauperis*. Order, Doc. No. 7. Mr. Hale was ordered to pay an initial partial filing fee of \$44.14 by June 4, 2014. *Id.* at 1; 28 U.S.C. § 1915(b)(1). To date, Mr. Hale has neither paid the initial partial filing fee nor shown good cause for the failure to do so. Accordingly, the undersigned recommends that Mr. Hale's Complaint (Doc. No. 1) be DISMISSED without prejudice to refiling. *See* LCvR 3.3(e); Order, Doc. No. 7, at 2 (advising Plaintiff that failure to pay could result in dismissal).

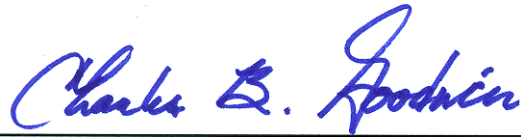
**NOTICE OF RIGHT TO OBJECT**

Plaintiff is advised of the right to file an objection to this Report and Recommendation with the Clerk of this Court by July 21, 2014, in accordance with 28

U.S.C. § 636 and Federal Rule of Civil Procedure 72. Plaintiff is further advised that failure to timely object to this Report and Recommendation waives the right to appellate review of both factual and legal issues contained herein. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation terminates the referral in the present case.

ENTERED this 30th day of June, 2014.



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CHARLES B. GOODWIN  
UNITED STATES MAGISTRATE JUDGE